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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,053	07/25/2001	Antonio Bogat	9422	6099
26884	7590	03/08/2006	EXAMINER TIEU, BINH KIEN	
PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			ART UNIT 2643	
PAPER NUMBER				

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/915,053

Applicant(s)

BOGAT, ANTONIO

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Appellant's Arguments beginning from page 5 of the Appeal Brief, filed 01/03/2006, with respect to the rejection(s) of claim(s) 1-25 under the combinations of the cited references of the record have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kumar et al. (Pub. No.: US 2002/0143634 A1).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8-10, 15-17 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al. (Pub. No.: US 2002/0143634 A1).

***Regarding claim 1***, Kumar et al. ("Kumar") teaches a system for supporting consumer transactions billed to an account through a cellular telephone, as shown in figure1, comprising:

a merchant data receiver for receiving merchant transaction data from a merchant terminal at a transaction site (i.e., Wireless Payment System (WPS) 20 receiving merchant

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transaction data such as transaction amount, Merchant IDentification code (MID) from POS device 30, see paragraph [0038]);

a consumer data receiver for receiving consumer transaction data from a cellular telephone at the transaction site (i.e., WPS 20 receiving consumer transaction data such as customer approval or customer conformation data, PIN, etc. from customer's mobile phone 36, see paragraph [0041] *wherein the customer portable phone 36 is depicted at same location of the POS device 30, see paragraph [0032]*); and

a transaction processor for processing the merchant transaction data and the consumer transaction data to access a financial account (i.e., the account of the merchant 54) so that approval for a transaction at the transaction site may be obtained (see paragraph [0042], also see paragraphs [0045]-[0051]).

Regarding claims 2-3, note paragraphs [0038], [0040] and [0042].

**Regarding claim 8**, Kumar teaches a system for supporting transactions billed to an account associated with a cellular telephone, as shown in figure1, comprising:

a merchant terminal (POS device 30) for generating and send merchant transaction data (i.e., merchant transaction data such as transaction amount, Merchant IDentification code (MID) being sent from POS device 30, see paragraph [0038]);

a consumer data receiver for receiving consumer transaction data from a cellular telephone at the transaction site (i.e., WPS 20 receiving consumer transaction data such as customer approval or customer conformation data, PIN, etc. from customer's mobile phone 36, see paragraph [0041] *wherein the customer portable phone 36 is depicted at same location of the POS device 30, see paragraph [0032]*); and

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a transaction processor for processing the merchant transaction data and the consumer transaction data to access a financial account (i.e., the account of the merchant 54) so that approval for a transaction at the transaction site may be obtained (see paragraph [0042], also see paragraphs [0045]-[0051]).

Regarding claims 9-10, note paragraphs [0038], [0040] and [0042].

**Regarding claim 15**, Kumar teaches a method for supporting payment of a consumer transaction through an account associated with a cellular telephone comprising:

generating a transaction record from merchant transaction data and consumer cellular telephone data (i.e., WPS server 20 verifies received merchant transaction data such as MID code and POS device id code; and customer telephone data such as User ID code 56, if the verification is successful, WPS server 20 creates a transaction record..., see paragraph [0038]);

querying for payment through an account associated with the cellular telephone data (see paragraph [0040]); and

generating an approval code in correspondence with a response to the query for payment through the account associated with the cellular telephone data (see paragraph [0043]).

Regarding claims 16-17, note paragraphs [0038], [0040] and [0042].

**Regarding claim 21**, Kumar teaches a method of processing data used to obtain approval for a payment associated with a transaction comprising:

receiving from a transaction site a merchant transaction specific merchant data (i.e., Wireless Payment System (WPS) 20 receiving merchant transaction data such as transaction amount, Merchant IDentification code (MID) from POS device 30, see paragraph [0038]);

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receiving from a cellular telephone at the transaction site transaction specific consumer transaction data (i.e., WPS 20 receiving consumer transaction data such as customer approval or customer conformation data, PIN, etc. from customer's mobile phone 36, see paragraph [0041] *wherein the customer portable phone 36 is depicted at same location of the POS device 30, see paragraph [0032]*); and

correlating the received transaction specific merchant data and transaction specific consumer transaction data (i.e., WPS 20 verifies the MID, POS device id code, user ID code, etc.); and

using the correlated data to obtain approval to charge a payment associated with the transaction to an account associated with the cellular phone (see paragraphs [0042] –[0043]).

Regarding claims 22-23, note paragraphs [0030] and [0038].

**Regarding claim 24**, Kumar teaches a system for supporting consumer transactions billed to an account through a cellular telephone, as shown in figure1, comprising:

a merchant data receiver for receiving merchant transaction data from a merchant terminal at a transaction site over a first communication link (i.e., Wireless Payment System (WPS) 20 receiving merchant transaction data such as transaction amount, Merchant Identification code (MID) from POS device 30 via one of communication links, see paragraphs [0031] and [0038]);

a consumer data receiver for receiving data from a consumer cellular telephone at the transaction site over a second communication link (i.e., WPS 20 receiving consumer transaction data such as customer approval or customer conformation data, PIN, etc. from customer's mobile phone 36 over a wireless telecommunication link, see paragraphs [0032] and [0041] *wherein the*

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*customer portable phone 36 is depicted at same location of the POS device 30, see paragraph [0032], also see figure 4); and*

a transaction processor for processing the merchant transaction data and the consumer transaction data to access a financial account (i.e., the account of the merchant 54) so that approval for a transaction at the transaction site may be obtained (see paragraph [0042], also see paragraphs [0045]-[0051]).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 7, 11-12, 14, 18 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (Pub. No.: US 2002/0143634 A1) in view of Katz (Pub. No.: US 2004/0076275 A1).

Regarding claim 4, Kumar teaches a terminal, such as point-of-sale (POS) device 30 located at POS location 12 as shown in figure 1, for supporting customer transaction billed through an account through a cellular telephone comprising:

a transaction data generator for generating transaction data (see paragraph [0038]); and  
a transaction data (i.e., monochrome LED or bright LCD multi-line display, see paragraph [0029] so that the merchant can see the total amount (e.g., \$100 of selected merchandises) of transaction or total transaction data and entered buyer's payment information

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such as User ID code 56, also see paragraph [0038]) to bill a transaction corresponding to the generated transaction data to an account associated with a cellular telephone number (i.e., transferred funds from the account of customer to the account of merchant, see paragraph [0042]).

It should be noticed that Kumar fails to clearly teach the feature of displaying a telephone number so that a consumer may call the displayed telephone number. However, Katz teaches a commercial product telephonic routing system with mobile wireless and video vending capability wherein a telephone number is displayed on the video vending terminal so that the buyer may use a cellular phone and manually dial the displayed telephone number associated with the vendor at vendor location (see paragraph [0037]) for a purpose of consummating with the resulting transaction data stored.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of displaying a telephone number so that a consumer may call the displayed telephone number, as taught by Katz, into view of Kumar in order to consummate with the resulting transaction data stored.

Regarding claim 5, Kumar further teaches limitations of the claim in paragraphs [0038] and [0043].

Regarding claim 7, Kumar further teaches limitations of the claim in paragraphs [0040], [0042] and [0043].

Regarding claim 11, the limitations of the claim are rejected with the same reasons set forth in claim 4 above.



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Regarding claim 12, Kumar further teaches limitations of the claim in paragraphs [0038] and [0043].

Regarding claim 14, Kumar further teaches limitations of the claim in paragraphs [0040], [0042] and [0043].

Regarding claims 18 and 25, Kumar teaches all subject matters as claimed above, except for the feature of displaying a telephone number so that a consumer may call the displayed telephone number by using his or her cellular phone. However, Katz teaches a commercial product telephonic routing system with mobile wireless and video vending capability wherein a telephone number is displayed on the video vending terminal so that the buyer may use a cellular phone and manually dial the displayed telephone number associated with the vendor at vendor location (see paragraph [0037]) for a purpose of consummating with the resulting transaction data stored.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of displaying a telephone number so that a consumer may call the displayed telephone number, as taught by Katz, into view of Kumar in order to consummate with the resulting transaction data stored.

***Allowable Subject Matter***

6. Claims 6, 13 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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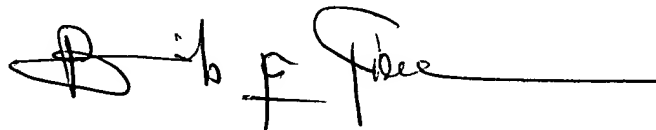
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A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

**BINH TIEU  
PRIMARY EXAMINER**

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Date: March 01, 2006